

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

No. 2

GOVERNMENT OF GOA

Legislature Department

Notification

LA/E/6249/1989

In exercise of the powers conferred on him by Rule-127 of the Rules of Procedure and Conduct of Business of the Legislative Assembly of Goa. The Speaker has ordered publication of the following Bill for general information.

The Goa Public Libraries Bill 1989

(Bill No. 3 of 1989)

A

BILL

To provide for the establishment, maintenance, organisation and development of free public libraries in the State of Goa.

Whereas it is expedient to provide for the establishment, maintenance, organisation and development of free public libraries in the State of Goa and for purposes connected with the matters aforesaid; it is hereby enacted in the Fortieth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa Public Libraries Act, 1989.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint in that behalf; and different dates may be appointed for bringing this Act into force in different areas of the State of Goa.

2. *Definitions.*— In this Act, unless the context otherwise requires

(a) "Book" includes every volume, part or division of a volume and pamphlet in any language, and every sheet of music, map, chart or plan separately printed or lithographed, newspapers, periodicals, paintings, films, slides, discs, or tapes used for audio-visual information and such other materials;

(b) "Compensatory allowance" means the travelling allowance, the daily allowance or such other allowance which is paid to the members of the Council for the purpose of meeting the personal expenditure incurred by them in attending the meetings of such Council or Committee or in performing any other functions as such members for the purposes of this Act;

(c) "Council" means the Library Council constituted under Section 3;

(d) "Director" means the Director of Libraries appointed under Section 3;

(e) "Government" means the Government of the State of Goa;

(f) "Municipality" means a Municipal Council constituted or deemed to be constituted under the Municipalities Act;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "public library" means,—

(i) a library established and maintained by the Government for the use of the public.

(ii) a library recognised by the Director for the purposes of grant-in-aid from the Library Fund; and

(iii) any other library which the Government by notification in the Official Gazette declares to be a public library for the purposes of this Act;

(i) "year" means the financial year.

CHAPTER II

Library Council

3. *Constitution of Library Council.* — (1) As soon as may be, after the commencement of this Act, the Government shall, by notification in the Official Gazette, constitute for the purposes of this Act a Council to be called the Library Council.

(2) The Council shall consist of the following members, that is to say:—

(a) The Minister for Education, who shall be ex-officio President of the Council;

(b) the Education Secretary to the Government for the time being in office;

(c) the Director of Education, for the time being in office;

(d) two members elected by the Legislative Assembly of the State of Goa from amongst its members;

(e) one person nominated by the Government to represent Municipalities functioning in the State of Goa;

(f) the President of the body known as the Gomantak Granthalaya Sangha;

(g) two members nominated by the Government from amongst persons who, in its opinion, have special knowledge or interest or practical experience in matters connected with library service;

(h) the Director of Libraries who shall also be Secretary of the Council.

(3) A person so elected under paragraph (d) of sub-section (2) shall cease to be a member of the Council if he ceases to be a member of the Legislative Assembly of Goa.

4. *Functions of Council.* — It shall be the function of the Council to advise the Government on all matters connected with the administration of this Act.

5. *Term of Office of and allowances to Members of Council.* — (1) Save as otherwise provided in this Act, the members of the Council, not being members ex-officio, shall hold office for a term of three years commencing on the date on which the first meeting of the Council is held after the nomination of members under Sub-section (2) of section 3.

(2) The members of the Council shall be entitled to such compensatory allowances and at such rates as may be prescribed.

6. *Casual Vacancies in Council.* — A vacancy in the office of a nominated or elected member of the Council occurring otherwise than by efflux of time shall be filled by nomination or election, as the case may be, and the person nominated or elected to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was nominated or elected.

7. *Meeting of Council.* — (1) The Council shall meet not less than twice in every year, on such dates and at such hours as may be fixed by the President; and six months shall not intervene between two successive meetings.

(2) The President of the Council may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the total number of members of the Council, and on a date not later than thirty days after the receipt of such request, call a special meeting of the Council.

(3) One-third of the total number of members of the Council shall form the quorum.

(4) The Council shall transact business in such manner and in accordance with such procedure as may be prescribed.

CHAPTER III

Department of Libraries

8. *Department of Libraries.* — (1) Subject to the superintendence, direction and control of the Government, the Director shall be responsible for the administration for this Act.

(2) In particular, and without prejudice to the generality of the foregoing provision, the Director shall —

(a) be responsible for the planning, maintenance, organisation and development of public libraries and public library system;

(b) superintend and direct all matters relating to the public libraries;

(c) promote the establishment of public libraries to achieve the purposes of this Act;

(d) recognise, in accordance with the rules made under this Act, public libraries and State, Divisional and other public library associations for the purposes of grant-in-aid from the Library Fund and sanction and disburse grants to them;

(e) maintain accounts of the Library Fund and ensure its proper utilisation;

(f) publish annually a bibliography of all the books published in the State of Goa;

(g) submit to the Government every year, a report on the working of public libraries under this Act;

(h) collect and preserve old and rare books periodicals, manuscripts and other documents of educative value in public libraries;

(i) organise programme for training candidates in library Science and conduct examinations for the candidates of recognised library training courses; and

(j) exercise such other powers and perform such other duties as may be conferred or imposed on him by rules made under this Act.

10. *State Library Service.* — (1) The Government shall establish a Goa Library Service, and appoint persons thereto.

(2) The Goa Library Service shall consist of such classes and categories of the posts as the Government may from time to time determine. All members of the said service shall be Government servants and their recruitment and conditions of service shall be regulated by such rules as may be made by the Government from time to time.

(3) The salaries, allowances, gratuity, pension and other emoluments of the members of the Goa Library Service, shall be paid from the Consolidated Fund of the State of Goa.

CHAPTER IV

Public Libraries

11. Establishment and maintenance of Public Libraries.—(1) The Government may establish a State Central Library for the whole of the State of Goa and a Divisional Library for every Division.

(2) Where in any local areas, provision for library service to the public is not made to the satisfaction of the Director by any local authority or any Society registered under the Societies Registration Act, 1860 or any trust registered under the Indian Trusts Act, 1882 or where the Government is of the opinion that any such local authority, society or trust is not willing or is incompetent to provide library service to the public to the satisfaction of the Director in any local areas, the Government may establish a library for the use of the public in that areas.

Provided that, no such library shall be established without giving an opportunity to the local authority, society or, as the case may be, the trust to show cause why the Government should not establish a library in the said local area.

(3) All libraries established under this section shall be maintained, organised and developed by the Government through the Department of Libraries.

12. Functions of Public Libraries.—The functions of the public libraries shall be such as may, on the advice of the Council, be prescribed.

CHAPTER V

13. State Central Library.—(1) As from the appointed day, the Government Central Library, Panaji, shall be the State Central Library for the State of Goa.

(2) The State Central Library shall be maintained as a reservoir of books and other materials for the proper functioning of the Library system.

(3) As from the appointed day, the State Library Advisory Board constituted vide Order No. 159-5-82/AE dated of May, 1982 shall stand dissolved.

CHAPTER VI

Finance and Accounts

14. Library Fund.—(1) The Government shall constitute a fund called the Library Fund.

(2) The Library Fund shall consist of—

(a) contribution made by the Government under Section 161.

(b) any special grants given by the Government under Section 17.

(c) any grants given by the Government of India to the Government for development of public libraries; and

(d) any contribution or gifts made by the public for development of public libraries.

15. Application of Library Fund.—(1) The moneys in the Library Fund shall be utilised by the Government for carrying out the purposes of this Act.

(2) Without prejudice to the generality of sub-section (1) the moneys in the Library Fund may be utilised by the Government to defray expenditure on the followings:—

(a) establishment, maintenance and development of public libraries;

(b) compensatory allowance payable to members of the Council.

(c) grant-in-aid to public libraries and Library associations recognised for the purpose by the Director of Libraries.

16. Contribution by Government.—The Government shall after due appropriation made by law in this behalf, contribute to the Library Fund every year, a sum not less than twenty-five lakhs of rupees.

17. Special Grants by Government.—The Government may make special grants to the Library Fund.

18. Vesting of Properties held for purpose of Government Public Libraries.—All property, movable and immovable, acquired or held for the purpose of any public library maintained by the Government shall vest in the Government.

CHAPTER VII

Reports and Inspections

19. Reports and Returns.—Every person who is in charge of the management of a public library shall submit such reports and return and furnish such information as the Director may from time to time require, to the Director or any person authorised by him in this behalf.

20. Inspection of Public Libraries.—The Director or any person authorised by him in this behalf shall have power to inspect any public library or any institution attached thereto for the purpose of satisfying himself that the provisions of this Act and the rules made thereunder are carried out.

21. Submission of annual reports by Director.—Within six months from the end of every year, the Director shall prepare an annual report on the progress made by public libraries in that year and submit it to the Government together with such information and particulars as may be prescribed:

Provided that, no such report shall be submitted to the Government unless it is approved by the Council.

CHAPTER VIII

Miscellaneous

22. Rules.—(1) The Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may

provide for all or any of the following matters, namely:—

(i) under sub-section (2) of section 5 the compensatory allowances payable to the members of the council and the rates at which such allowances shall be payable;

(ii) under sub-section (4) of section 7, the manner in which and the procedure in accordance with which the council and the rates at which such allowances shall be payable;

(iii) under sub-section (2) of section 8, the qualifications required for being appointed as the Director;

(iv) under clause (d) of sub-section (2) of section 9, rules in accordance with which the Director shall recognise public libraries and State, Divisional and other public library Associations for the purposes of grant-in-aid from the Library Fund;

(v) under clause (d) of sub-section (2) of Section 9 the conditions which aid may be granted to recognised libraries and on the violation of which aid may be stopped, reduced or suspended.

(vi) under clause (j) of sub-section (2) of Section 9, the other powers and duties which the Director may exercise or perform;

(vii) under sub-section (2) of section 10, the requirement and conditions of service of members of the Goa Library Service;

(viii) under Section 12, the functions of public libraries;

(ix) under section 21, the information and particulars to be submitted to the Government.

(x) any other matter which is to be, or may be prescribed under this Act.

23. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Government may by order not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act.

Statement of Objects and Reasons

The New Education Policy and the National Policy on Library and Information System have recommended development of public libraries in the country as an imperative need to make people educated, informed and enlightened in a democracy. The All India Library Conference too has urged all the state Governments to introduce library legislation and develop public library network. Several states like Tamil Nadu, Andhra Pradesh, Maharashtra, Karnataka and West Bengal have introduced library Legislation and have made progress in public library development.

The rate of literacy in Goa is fast growing. The literate population should be better informed, educated and enlightened for smoother and faster development of the State and hence a network of public libraries is necessary.

This Bill seeks to provide for constitution of a Library Council, a Department of libraries and a Library Fund for establishment and maintenance of public libraries.

Financial Memorandum

This Bill seeks to constitute a Library Council, a Department of Libraries and a Library Fund for establishment and maintenance of a network of public libraries. The expenditure depends upon the scope of activities and hence cannot be estimated at this stage.

Memorandum Regarding Delegated Legislation

Clause 22 of the Bill empowers the Government to make rules to carry out the purpose of the Act.

This delegation is of normal nature.

Panaji,
3rd March 1989.

Assembly Hall
Panaji
8th March, 1989.

Uday L. Bhembre
M.L.A.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa